

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. OSH 2004-1
)	
DIRECTOR, DEPARTMENT OF LABOR)	ORDER NO. 89
AND INDUSTRIAL RELATIONS,)	
)	PRETRIAL ORDER
Complainant,)	
)	
vs.)	
)	
AKAMAI HOMES, INC.,)	
)	
Respondent.)	
)	

PRETRIAL ORDER

Pursuant to the representations by the respective representatives for the parties at an initial conference held by the Hawaii Labor Relations Board (Board) on February 20, 2004, IT IS HEREBY ORDERED THAT:

1. The issues to be determined are:
 - (a) Whether Respondent violated 29 CFR 1926.302(b)(1) as described in Citation 1, Item 1, issued on January 5, 2004?
 - (i) Whether Respondent's employees were exposed to any hazard?
 - (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?
 - (iii) Whether the imposition and amount of the \$700.00 penalty is appropriate? If not, what is the appropriate penalty?
 - (b) Whether Respondent violated 29 CFR 1926.501(b)(13) as described in Citation 1, Item 2, issued on January 5, 2004?
 - (i) Whether Respondent's employees were exposed to any hazard?
 - (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?

- (iii) Whether the imposition and amount of the \$700.00 penalty is appropriate? If not, what is the appropriate penalty?
- (c) Whether Respondent violated 29 CFR 1926.1052(c)(1)(ii) as described in Citation 1, Item 3, issued on January 5, 2004?
 - (i) Whether Respondent's employees were exposed to any hazard?
 - (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?
 - (iii) Whether the imposition and amount of the \$700.00 penalty is appropriate? If not, what is the appropriate penalty?
- 2. Trial is scheduled on June 1, 2004 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.
- 3. Discovery deadlines are:

Live and unnamed witness identification	May 6, 2004
Discovery cut-off	May 20, 2004
- 4. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, February 24, 2004.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


KATHLEEN R. CUYA-MARKRICH, Member

DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS v. AKAMAI
HOMES, INC.
OSH 2004-1
ORDER NO. 89
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NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees at least five working days prior to the trial date.

Copies sent to:

J. Gerard Lam, Deputy Attorney General
George W. Thorp, Jr.